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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 4338 of 2007

Petitioner		Mahendra Singh, aged about 60 years, S/o. late Gyan Singh, resident of Madhuwan, Dayalband, Bilaspur, Tahsil and District Bilaspur (C.G.)
		Versus
Respondents	1	State of Chhattisgarh, through Secretary, Urban Development Department, Secretariat, DKS Bhawan Raipur (C.G.)
	2	Municipal Corporation, Bilaspur through Commissioner, Municipal Corporation, Bilaspur (C.G.
	3	Sub Divisional Officer (R) and Land Acquisition Officer, Bilaspur (C.G.)
	4	Mutwalli, Masjid, Juna Bilaspur, Tahsil and District Bilaspur (C.G.)
	5	C.G. Waqf Board, Raipur (C.G.) through Chief Executive Offier.

Appearance:

Shri K.M. Ansari, counsel for the petitioner.

Shri A.S. Kachhawaha, counsel for respondent No.2 on advance copy.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(27.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who claims to be the tenant of the concerned property, has filed this petition for quashment of the proceedings initiated under the provisions of Land Acquisition Act, 1894.

Learned counsel for the petitioner argues that a notice in this regard (Annexure-P/1) dated 7.4.2006 was issued to the petitioner by the Sub Divisional Officer (Revenue) and Land Acquisition Officer, Bilaspur. He also submits that the reply to the notice has been filed by the petitioner before the concerned authority but no order has been passed till now.

It is settled principle of law that ordinarily a writ court would not exercise its discretionary jurisdiction in entertaining a writ petition questioning a notice to show cause unless it is without jurisdiction.

The petitioner is not saying that the notice is without jurisdiction but he is simply saying that he is aggrieved by the action of respondent by which they have initiated the proceedings for acquisition of land in question.

Needless to say that the pith of the matter is that a proceedings under Section 6 of the Land Acquisition Act, 1894 has been initiated, in compliance of which, a general notice under Section 6 of the said Act, vide Annexure-P/2, has been published. A personal notice has also been served upon the petitioner vide Annexure-P/1 and the action, which is statutorily supported by the provisions of Act is pending after taking reply. I am not inclined to interfere with the matter at this stage because there is no outcome till date after issuance of notice and filing of the reply.

The petition appears to be premature and the same is summarily dismissed at the motion stage.

In view of the above, I.A. No. 1 for grant of ad-interim relief stands disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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